



## *Report to the Auburn City Council*

Action Item  
Agenda Item No. **12**

City Manager's Approval

**To:** Mayor and City Council Members  
**From:** Reg Murray, Senior Planner *RM*  
**Date:** November 25, 2013  
**Subject:** Second Reading: Rezone – Regional Commercial–Emergency Shelter Zone District (Auburn Ravine Road Project Area) – File # RE 13-3

### **The Issue**

Should the City Council hold the Second Reading, by title only, of an Ordinance which rezones nine lots, generally located west of Auburn Ravine Road and north of Elm Avenue, from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES)?

### **Conclusion and Recommendation**

By Ordinance, hold a Second Reading, by title only, of an Ordinance which rezones nine lots, generally located west of Auburn Ravine Road and north of Elm Avenue, from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES).

### **Background**

The passage of Senate Bill 2 (SB 2) in 2007 established a state requirement in which all local jurisdictions must identify at least one zone district where emergency shelters for the homeless are considered a use that is permitted “by right” (i.e. without any additional required discretionary review such as a use permit). The City of Auburn undertook the process to satisfy the state requirements associated with SB 2 earlier this year, which included several different zoning proposals considered at 10 public hearings over the course of the past nine months.

On Monday, October 28, 2013, the Auburn City Council considered a proposal to rezone nine lots, generally located west of Auburn Ravine Road and north of Elm Avenue (i.e. the Auburn Ravine Road project area), from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES). By a vote of 5-0, the City Council adopted an Initial Study and Negative Declaration prepared in accordance with the California Environmental Quality Act (CEQA) for the Rezone; and, introduced for First Reading, by title only, the Ordinance rezoning the project area (Exhibit A).

This Second Reading is required to finalize the processing of the ordinance. The ordinance becomes effective thirty (30) days after the Second Reading.

**Project Description**

The proposed ordinance for Second Reading (Exhibit A) rezones the Auburn Ravine Road project area, nine lots generally located west of Auburn Ravine Road and north of Elm Avenue, from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES).

**Alternatives Available; Implications of Alternatives**

1. Hold the Second Reading of the Ordinance; thereby rezoning nine lots, generally located west of Auburn Ravine Road and north of Elm Avenue, from Regional Commercial (C-3) to Regional Commercial – Emergency Shelter (C-3-ES).
2. Deny the Second Reading of the Ordinance. If the Second Reading is denied, then the City will not have satisfied the requirements of SB 2 and staff recommends that the City Council provide direction for the designation of an alternative zone district.
3. Amend the ordinance for the rezone and reintroduce the ordinance for First Reading.

**Fiscal Impact**

Minimal fiscal impact associated with preparation of the draft ordinance by Community Development staff in consultation with the City Attorney.

**Exhibit:**

- A. Ordinance – Auburn Ravine Road Emergency Shelter Rezone from C-3 to C-3-ES

# EXHIBIT A

## ORDINANCE NO. 13 - \_\_\_\_\_

### AN ORDINANCE TO CHANGE THE ZONE DESIGNATION OF THE AUBURN RAVINE ROAD PROJECT AREA FROM REGIONAL COMMERCIAL (C-3) TO REGIONAL COMMERCIAL - EMERGENCY SHELTER (C-3-ES) FILE# RE 13-3

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#### THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:

- A. Whereas the City of Auburn City Council adopted the following findings of fact for the Initial Study and Negative Declaration prepared for the Rezone to apply the Regional Commercial - Emergency Shelter (C-3-ES) zone district to the properties in the Auburn Ravine Road project area (APN: 001-044-(017. 019, 026, 027, 029, 030, 041, 042, 043)).
1. The City Council, on the basis of the whole record before it (including the initial study and any comments received) finds that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the lead agency's independent judgment and analysis.
  2. All documents and materials relating to the proceedings for the project are maintained in the City of Auburn Community Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603.
- B. Whereas the City of Auburn City Council adopted the Initial Study and Negative Declaration prepared for the Rezone to apply the Regional Commercial - Emergency Shelter (C-3-ES) zone district to the properties in the Auburn Ravine Road project area (APN: 001-044-(017. 019, 026, 027, 029, 030, 041, 042, 043)).
- C. Whereas the ordinance for the Rezone to apply the Regional Commercial - Emergency Shelter (C-3-ES) zone district to the properties in the Auburn Ravine Road project area (APN: 001-044-(017. 019, 026, 027, 029, 030, 041, 042, 043)) is:
1. Consistent with the General Plan; and
  2. Consistent with the public interest, health, safety, and welfare of the City.
- D. Whereas the ordinance implements the requirements of Senate Bill 2 for the provision of adequate sites for emergency shelters for the homeless.

#### NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:

Section One: The Zoning Map of the City of Auburn, adopted by reference by Section 159.017 of Chapter 159 of Title XV of the Auburn Municipal Code, is hereby amended to include the Regional Commercial - Emergency Shelter (C-3-ES) zone district and to apply the C-

3-ES zone to the properties in the Auburn Ravine Road project area (APN: 001-044-(017, 019, 026, 027, 029, 030, 041, 042, 043)).

Section Two: The above-referenced property is more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference.

Section Three: All requirements of the California Planning Act, the California Environmental Quality Act, and of Chapter 159 of Title XV of the Auburn Municipal Code, including hearings upon property notice, have been fully complied with by the Planning Commission and the City Council in the adoption of this zoning amendment.

Section Four: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section Five: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

Section Six: If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

DATED: \_\_\_\_\_, 2013

\_\_\_\_\_  
Kevin Hanley, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the \_\_\_\_\_ day of \_\_\_\_\_ 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Stephanie L. Snyder, City Clerk